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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,412	09/20/2000	Tetsuji Shono	P19597	7432
7055	7590	09/22/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,412

Applicant(s)

SHONO, TETSUJI

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-15,18 and 19 is/are allowed.
- 6) ☒ Claim(s) 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 7/6/05, with respect to claims 1, 3, 4, 7, 9, 10, and 12-15 have been fully considered and are persuasive. The 35 U.S.C. 102 rejections of claims 1, 3, 4, 7, 9, 10, and 12-15 of claims 1, 3, 4, 7, 9, 10, and 12-15 have been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Mutze, US 6,072,529.**

In regard to claim 20, Mutze, US 6,072,529, discloses a digital camera comprising:

a photographic lens (see figure 1, element 4) provided on a camera body of the digital camera, the photographic lens defining an optical axis that is stationary with respect to the camera body (see column 2, lines 42-48);

an image pick-up element (see figure 1, element 2) on which an image formed by the photographic lens images, the image pick-up element comprising a

Art Unit: 2615

sensitive surface that intersects the optical axis at an intersection point (see column 2, lines 42-48);

a tilting/swinging mechanism (see figure 1, element 6: the sensor mount 6 rotates about axis a_x or a_y), provided in the camera body, that enables concurrent compound movement of the image pick-up element (see figure 2, element 14 and column 3, lines 38-59: It is inherent that when the actuating element for the adjusting screw to tilt the image sensor about the A_x axis and the actuating element for the adjusting screw to swing the image sensor about the A_y axis are actuated at the same time, the image sensor with rotate and swing about the two axis at the same time, enabling concurrent compound movement and thereby allowing the sensor to be moved to the a desired location quickly), relative to the optical axis, in at least two orthogonal planes such that the sensitive surface rotates about the intersection point (see column 2, lines 56-63), without changing a focus condition of the photographic lens (It is inherent the focus condition is not changed when the image sensor is rotated about the a_x and a_y because the distance between the lens and the image sensor is not changed).

In regard to claim 21, Mutze, US 6,072,529, discloses a digital camera comprising:

a photographic lens (see figure 1, element 4) provided on a camera body of the digital camera, the photographic lens defining an optical axis that is stationary with respect to the camera body (see column 2, lines 42-48);

an image pick-up element (see figure 1, element 2) on which an image formed by the photographic lens images, the image pick-up element comprising a sensitive surface that intersects the optical axis at an intersection point (see column 2, lines 42-48);

a tilting/swinging mechanism (see figure 1, element 6: the sensor mount 6 rotates about axis a_x or a_y), provided in the camera body, that enables concurrent compound movement of the image pick-up element (see figure 2, element 14 and column 3, lines 38-59: It is inherent that when the actuating element for the adjusting screw to tilt the image sensor about the A_x axis and the actuating element for the adjusting screw to swing the image sensor about the A_y axis are actuated at the same time, the image sensor with rotate and swing about the two axis at the same time, enabling concurrent compound movement and thereby allowing the sensor to be moved to the a desired location quickly), relative to the optical axis, in at least two orthogonal planes such that the sensitive surface rotates about the intersection point by relative sliding motion between a first surface (see figure 1: the cylinder attachment post of the sensor mount 6), secured to said image pick-up element and a second surface (see figure 1: posts on camera frame that holds the sensor mount, secured to said camera body (see figure 1: the cylinder attachment post of the sensor mount 6 slide in the holes of the posts of the camera frame).

Allowable Subject Matter

4. Claims 1, 3-15, 18 and 19 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 1, 3-7, 9, 10, 12-15, 18 and 19, the prior art does not disclose the combination of limitations of the claimed invention, specifically the limitation of:

“said tilting/swinging mechanism being configured to enable the concurrent compound movement of the image pickup device by a single operation member” as claimed in claims 1 and 7.

Claims 8 and 11 are allowed for the same reasons as stated in the previous office action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2615


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER